

School District 21 and to providing them with the finest educational opportunities that public education can provide. Donald Weber is truly representative of the best that our community has to offer.

As Superintendent of Community School District 21 for the last seventeen years, Donald Weber developed numerous special programs including: Mark Twain Intermediate School for the Gifted and Talented, Project ADAPT (a model program that is an alternative to suspension), a strong parent involvement program as evidenced by the activities of the District Parents' Workshop, the Brooklyn Studio Secondary School, a model inclusionary middle/high school and The Bay Academy For the Arts and Sciences, a magnet school for children interested in the sciences.

Under the dedicated leadership of Donald Weber, standardized reading and math scores of District 21's students continue to rank among the highest in New York City and the number of students achieving at or above grade level continues to increase.

In recognition of his stature as a dynamic educator and for his efforts on behalf of the students of Community School District 21, Donald Weber has received numerous awards including being named as the New York State Superintendent of the Year 1999–2000.

Donald Weber is a lifetime resident of Community School District 21 and is a product of its schools. A graduate of Public School 177, Donald Weber has routinely demonstrated his commitment to community service and to enhancing the quality of life for all New York City residents. He is former member of Community Planning Board 13 and is a founding member of the Shorefront Friends For Hospice, Inc.

Donald Weber has long been known as an innovator and beacon of good will to all those with whom he has come into contact. Through his dedicated efforts, he has helped to improve my constituents' quality of life. In recognition of his many accomplishments on behalf of my constituents and their children, I offer my congratulations to Donald Weber on the occasion of his retirement as Superintendent of Community School District 21.

#### SUPPORTING REAUTHORIZATION OF VIOLENCE AGAINST WOMEN ACT PROGRAMS

##### HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mrs. NORTHUP. Mr. Speaker, I rise to pay tribute to the Violence Against Women Act and to encourage its reauthorization by Congress and the President.

As you know, legislation proposing a federal response to the problem of violence against women was first introduced in 1990, although violence against my gender has been recognized as a serious social problem since the late 1970's. Previous enactment of Violence Against Women Act (VAWA) measures have resulted in grant programs and new penalties aimed at increasing awareness and reducing the occurrence of crimes against women. Reauthorization of VAWA ensures that our protection of women and perseverance in this area does not lapse, and provides support for

the next five years to the law enforcement, hotlines, shelters and services, and community initiatives that assist our cities and localities in dealing with these types of crimes.

Through this program, we have been able to better educate the American public how to respond to crimes against women. This funding has allowed us to bring bring domestic violence out of the shadows and into the forefront. For example, in my district of Louisville, since VAWA money has become available our area has become a model for other jurisdictions because of its multi-disciplinary approach to domestic violence. Agencies and organizations, previously struggling to cooperate with each other, now are working together.

As a community we have received approximately \$5.5 million in VAWA money. Our police are better trained and educated concerning the cycle of domestic violence. Victim advocates now work side by side with the police to provide a better response to victims of domestic violence. More evidence is being collected than ever before, and more victims are taking the brave step of coming forward and more convictions are stopping the cycle of abuse.

Violence against women is not solely a problem for women. Every case that is left unaddressed has the potential to create more violence, to fuel a downward spiral of mental and physical abuse and to destroy more families. I believe the initiatives begun in 1990 go a long way in addressing the need for a tougher stance in this area. We must continue our commitment to increasing personal safety for everyone, and focus our efforts on programs that work to educate the public and prevent future crimes. We must work to limit the devastating consequences that occur to our women, our families and society as a whole.

I encourage Congress to again support the VAWA programs which are so vital to combating the occurrence of domestic abuse, before authorization expires on September 30, 2000.

#### DR. FRANK LEGGETT—FAMED BASSFIELD DOCTOR RETIRES

##### HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. SHOWS. Mr. Speaker, I stand before you, my colleagues and the American people to tell you about an American treasure—Dr. Frank Leggett of Bassfield. Dr. Leggett has been a judge, mayor, coroner, alderman, football team physician, church deacon, and hospital chief of staff. In his spare time, Dr. Leggett delivered 300 precious lives to the community of Bassfield and our part of Mississippi. He brought lives into this world, then he nurtured them, served them and took care of them. Dr. Leggett gave more than he received. Our home, my home, Bassfield, is forever a better place because of the contributions of Dr. Frank Leggett.

Dr. Leggett was born in Brookhaven, MS, back in 1926. His early life was marked by our Nation's Great Depression and our greatest war—World War II. Dr. Leggett is part of the greatest generation who not only endured, but survived and built and gave. He and his generation gave us the greatest nation on the

planet. He is a graduate of Ole Miss and Baylor. He worked in Meridian and then came to Bassfield in 1956.

He says he retired on June 30 of this year. But, I have to say, after 40 years on the Bassfield Board of Alderman, and Medical Staff President for 25 years at Jefferson Davis County Hospital (now Prentiss Regional Hospital) I don't think we will really allow this retirement to happen. He will still be with us. Dr. Leggett will be with us caring and giving and sharing like he always has. Dr. Leggett will be at church and across our community serving us as always.

Dr. Leggett loves to travel. He has seen most of our world. But he always made it back home to Bassfield where he belonged and where we needed him. I am indeed honored to stand before the American people and say thank you to Dr. Frank Leggett.

#### STRICT CRIMINAL LIABILITY RE- FORM FOR OIL SPILL INCIDENTS

##### HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. VITTER. Mr. Speaker, I am pleased today with Congressmen COBLE and CLEMENT to introduce legislation to eliminate the application of strict criminal liability for maritime transportation-related oil spills. Contrary to the objectives of the Oil Pollution Act of 1990, commonly referred to as OPA90, strict criminal liability serves to undermine the safe and reliable maritime transportation of oil products, and prevents timely, effective and cooperative cleanup operations in the diminishing number of situations when an oil spill occurs.

Through comprehensive congressional action just a decade ago that led to the enactment and implementation of OPA90, the United States has successfully reduced the number of oil spills in the maritime environment and has established a cooperative public/private partnership to respond effectively to the diminishing number of situations when an oil spill occurs. The Congress, through the enactment of OPA90, carefully balanced the imposition of stronger criminal and civil penalties with the need to promote enhanced cooperation in spill prevention and response efforts. In so doing, the Congress clearly enumerated the circumstances where stringent criminal penalties could be imposed in maritime oil spill incidents.

But this carefully crafted approach is being undermined in practice. Antiquated, unrelated "strict liability" statutes that do not require any showing of "knowledge" or "intent"—specifically—the Migratory Bird Treaty and the Refuse Act—are increasingly utilized as a basis for criminal investigation and prosecution for oil spill incidents. As stated in a U.S. Coast Guard directive, a company and employees, in the event of an oil spill, "could be convicted and sentenced to a criminal fine even where [they] took all reasonable precautions to avoid the discharge". Such turn-of-the-century statutes as the Migratory Bird Treaty Act and Refuse Act, in effect, have turned every oil spill into a potential crime scene without regard to fault or intent, and thus have undermined the cooperation and responsiveness that Congress sought to foster when it enacted OPA90.

Furthermore, strict criminal liability forces responsible members of the marine transportation industry to face an extreme dilemma in the event of an oil spill—provide less than full cooperation and response as criminal defense attorneys will certainly direct, or cooperative full despite the risk of criminal prosecution that would result from any additional actions or statements made during the course of the spill response. The only method available to companies and their employees to avoid the risk of criminal liability completely is to get out of the Marine oil transport business altogether.

Mr. Speaker, in May 1998, the House Coast Guard and Maritime Transportation Subcommittee conducted oversight hearing on criminal liability for oil pollution. The Coast Guard, the primary federal maritime agency tasked with the implementation and enforcement of OPA90, testified at that hearing that it does not rely on strict criminal liability statutes in assessing culpability for oil spill incidents. With the support of other organizations, including the Chamber of Shipping of America, INTERTANKO, the Transportation Institute, and the Water Quality Insurance Syndicate (WQIS), American Waterways Operators (AWO) and two tank vessel captains testified as to the adverse impact that strict criminal liability has on the oil spill prevention and response objectives of OPA90. Notably, one tank vessel captain observed that "strict criminal liability does not make [him] do [his] job better; it only produces counterproductive stress". He continued by stating the following: "Because of the current [criminal liability] situation I cannot and will not encourage my children to follow in my footsteps. Nor can I encourage anyone else to enter the marine petroleum transportation business. Yet the industry needs good people. Strict criminal liability is a tremendous deterrent to anyone considering entering the industry at this time."

Similarly, the other tank vessel captain testified that responsible vessel owners and operators do everything humanly possible to avoid accidents, but that "the sea being a place of infinite peril, if accidents occur, despite human precautions, we must use all of the marines' skills to contain damage and to get the oil out of the water". He continued by stating that the "increased emphasis on applying criminal sanctions to incidents where oil gets into the water, regardless of whether the spill is caused by reckless or grossly negligent human actions, will undermine our ability to respond successfully in the case of the spill." The captain further stated that the "masters, officers and crew of tank vessels should be the best in the business", but that "if they are driven from this area by criminal enforcement policies, we will end up with mediocrity where we should have excellence." I concur with these observations. Strict criminal liability does not improve the marine transportation industry's ability to attract or retain experienced vessel masters and crews, and does not further the oil spill prevention and response goals of OPA90.

Mr. Speaker, again in March 1999, the House Coast Guard and Marine Transportation Subcommittee and the House Water Resources and Environment Subcommittee conducted an oversight hearing to review the implementation of OPA90 on the 10th anniversary of the EXXON VALDEZ oil spill in Alaska. Notably, the issue of criminal liability in oil spill incidents are raised several times during the

hearing where AWO, the American Petroleum Institute (API), INTERTANKO, and the Chamber of Shipping of America all stated that the threat of strict criminal liability of oil pollution incidents requires immediate reform and that the issue is their top legislative priority.

The Coast Guard recently confirmed that its "criminal prosecution of environmental crimes is reserved for only the most egregious cases, where evidence of willful misconduct, culpable negligence, failure to report a spill, or attempts to falsify records, is considered with significant harm to the environment or the thread of such harm." However, despite the fact that the "Coast Guard has never a case based on strict liability violations", other agencies, including the U.S. Department of Justice, have prosecuted at least four vessel pollution cases since the enactment of OPA90 using strict criminal liability statutes. The availability and use of such statutes continues to undermine cooperative and effective oil spill prevention and response efforts.

Mr. Speaker, the legislation we are introducing today will not change the tough criminal sanctions, that were imposed in OPA90. Rather, the legislation will reform the pre-eminent role of OPA90 as the statute which provides the exclusive criminal penalties for oil spills. In so doing, it will eliminate the unjustified use of strict liability statutes that undermine the very objectives which OPA90 sought to achieve, namely to enhance the prevention of and response to oil spills.

#### RECOGNIZING AN EAST TEXAS STUDENT

#### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in recognition of Taylor Garrett of Van, TX, for his research efforts in Madrid, Spain, last summer that formed the basis for his Honors thesis during his senior year at Southwestern University in Texas. He and his professor, Dr. Daniel Castro, spent 6 weeks at the Archivo Historico Nacional de Madrid researching 16th to 19th century documents dealing with the Spanish Inquisition. To be chosen for this research opportunity was a great honor, and Taylor was chosen due to his proficiency in the Spanish language and his strong interest in the history of this period.

Once in Madrid, these two researchers catalogued materials from archives in an effort to discover the role of women and other "voiceless" constituencies during the colonial Inquisition. For 6 weeks Taylor's main role was to translate paleography—a symbol-based language—into English. Southwestern University supports collaborative research between students and faculty, and I am proud that this young Texan from my district was selected to participate in this important project.

Mr. Speaker, I am pleased to have the opportunity to recognize the achievements of Taylor Garrett and to commend him for his enthusiasm for learning, his willingness to work hard, and his commitment to high academic standards—qualities that are crucial to our Nation's continued leadership in research and discovery efforts in all fields.

#### THE FERES DOCTRINE

#### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. KANJORSKI. Mr. Speaker, I rise to seek recognition to introduce a bill that will overturn what has come to be known as the "Feres doctrine." In introducing this legislation I hope to rectify a grave injustice that has been perpetuated upon our servicemen and women and pay tribute to a truly inspirational young woman, Kerry O'Neill. Kerry O'Neill grew up in Kingston, Pennsylvania in my Congressional District, and I had the pleasure of nominating her for admission to the United States Naval Academy.

On December 1, 1993, Kerry O'Neill, a "graduate with the distinction" of the United States Naval Academy in the top ten percent of her class, was brutally murdered by her former fiancé, Ensign George Smith, while sitting in her on-base apartment watching a movie with a friend, who was also killed. Ensign Smith, who was to have commenced his first tour of duty on a nuclear submarine the next day, then shot himself.

O'Neill had a superb record at the Academy setting athletic records for the fastest time run by an Academy cross-country runner and for the indoor and outdoor track 5,000 meter runs. In 1992 she was the first female athlete in any Naval Academy sport to qualify for the NCAS Division I Championships. She was also the recipient of the Vice Admiral William P. Lawrence Sword as the outstanding female athlete in her class.

Her accomplishments, however, paled in comparison to her intelligence, dedication, and enthusiasm, which made her an "inspiration" to those who knew her. As James E. Brockington, Jr., Commander, USN wrote of Kerry, "Gone too soon is that smile that brightened the darkest of days. Lost are those sparkling eyes that mirrored our quest for perfection. A leader, a dreamer, a source of unparalleled excellence—she is gone too soon."

In attempting to understand this tragedy, and what could have caused Ensign Smith to commit such murderous act, Kerry's parents learned that Ensign Smith had scored in the 99.99th percentile for aggressive/destructive behavior in Navy psychological tests. To evaluate his psychological fitness for the unique demands of submarine duty, Ensign Smith had, two months before the shooting, been required to submit to the Navy's "Sub-screen" test. Ensign Smith scored more than four standard deviations above the normal levels for aggressive/destructive behavior and more than two standard deviations above normal levels in six other categories. Because Ensign Smith's results were well above the two-standard deviations above norms in multiple categories, under non-discretionary Navy regulations his abnormal test results were referred to a Navy psychologist, who in turn was required to conduct a full evaluation. The Navy civilian psychology responsible for reviewing the unusual scores and evaluating Smith, simply fail to conduct any such review or evaluation. This failure to review was a clear violation of Navy regulations (Compl. Paragraphs 10-15; Pet. App. 15a-17a). A psychological evaluation could have identified the potential for this destructive act and possibly prevented this tragedy from occurring.